

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANDREW PETER SOLOMON,
Defendant.

No. CR19-142RAJ

ORDER ON DEFENDANT'S
MOTION TO SUPPRESS
STATEMENTS

This matter is before the Court on defendant's Motion to Suppress Statements Made to Law Enforcement Officers ("Motion"). Dkt. #17. Having considered the motion, the government's response, defendant's reply, the government's surreply, and the files and pleadings herein, the Court finds as follows:

The defendant had two separate encounters with Lummi Nation law enforcement officers on March 24, 2019 and April 1, 2019. During these encounters, the defendant purportedly made statements to these officers. Defendant moves this Court for an order suppressing all statements on the grounds that they were obtained in violation of *Miranda v. Arizona*, 384 U. S. 436 (1966), in violation of his rights under the Fifth Amendment, and that any statements he made were involuntary.

The government has responded that it does not intend to offer statements from either encounter during its case in chief and asks this Court to deny the motion as moot. Dkt. #19. The defendant is opposed to the Court treating this motion as

1 moot and asks for a ruling that the government be precluded from using the
2 statements for any purpose, including impeachment should the defendant elect to
3 testify. Dkt. # 20.

4 The Court will hold the government to its representation that it will not offer
5 any statements by the defendant during its case in chief. The Court will not set a
6 hearing at this time to determine the voluntariness of any statements by the
7 defendant. Instead, the Court will follow the guide of the government and defer
8 holding a voluntariness hearing until after the government rests but before the
9 defendant takes the witness stand should he elect to testify. At that time the Court
10 will conduct the voluntariness hearing outside the presence of the jury. It appears
11 that if such a hearing is necessary, it will involve a modest utilization of time and
12 serve the purposes of judicial economy and resources.

13 For the reasons stated above, the Court **RESERVES** ruling on the
14 defendant's motion. Dkt. #17.

15 DATED this 13th day of September, 2019.

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17 The Honorable Richard A. Jones
18 United States District Judge
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